

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7387 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

GANGADHARBHAI R RAVAL

Versus

B'NAGAR NAGRIK SAHAKARI BANK LTD

Appearance:

1. Special Civil Application No. 7387 of 1988
MR M.R. BHATT for RP BHATT & Co. for Petitioner
NOTICE SERVED for Respondent No. 1-2
MR HD DAVE, AGP for Respondent No. 3
MR BB NAIK for Respondent Nos. 4 to 7

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 15/01/2003

ORAL JUDGEMENT

By filing instant petition under Article 226 of the Constitution, the petitioner has prayed to issue a writ of mandamus or any other appropriate writ, order or direction to quash the election of Directors of the Bhavnagar Nagrik Sahakari Bank Limited, which was held on September 11, 1988.

2. Heard Mr.M.R.Bhatt, learned advocate appearing for R.P.Bhatt & Co., representing the petitioner, and Mr.H.D.Dave, learned Assistant Government Pleader appearing for respondent No.3.

3. The petition was placed for admission hearing before the Court on November 1, 1988 and after hearing the learned counsel for the petitioner, the Court had issued rule, but not granted interim relief which was prayed for in paragraph 21(C) of the petition. The main ground of challenge to the election is that the nomination form of the petitioner could not have been rejected on the ground that he was a defaulter and the instalment of loan for the month of April, 1987 was not paid. The term of Directors of the Bhavnagar Nagrik Sahakari Bank Limited, which is a Society, is governed by the provisions of the Gujarat Co-operative Societies Act, 1961 and, therefore, periodical elections must have been held after the election, which is impugned in the petition, was held on September 11, 1988. Under the circumstances, the Court is of the opinion that the petition has become infructuous with passage of time and deserves to be disposed of accordingly.

For the foregoing reasons, the petition fails and is dismissed. Rule is discharged. There shall be no order as to costs. The petition stands disposed of as having become infructuous.

(J.M.Panchal, J.)
(patel)